

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IRENE RABINOWITZ,

Plaintiff,
-against-

ORDER
14-CV-3223 (JS) (AKT)

NORTH SHORE ANIMAL LEAGUE, ANTHONY
ANGIELOTTI, MATTHEW CARROLL, JANE
DOE a/k/a "KIKI", and DIANA RUSSO,

Defendants.

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APPEARANCES

For Plaintiff: Irene Rabinowitz, pro se
27 Franco Avenue
Selden, NY 11784

For Defendants: No appearances

SEYBERT, District Judge:

On May 23, 2014, pro se plaintiff Irene Rabinowitz ("Plaintiff") filed a Complaint pursuant to the Age Discrimination in Employment Act, as codified, 29 U.S.C. §§ 621 to 634 ("ADEA"). Plaintiff's Complaint was accompanied by an application to proceed in forma pauperis. Accordingly, upon review of Plaintiff's declaration in support of her application to proceed in forma pauperis, the Court finds that Plaintiff's financial status qualifies her to commence this action without prepayment of the filing fees. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff's application to proceed in forma pauperis is GRANTED and the Court orders service of the Complaint on North Shore Animal League by the United States Marshal Service ("USMS") without prepayment of the filing fee. However, because there is no individual liability

under the ADEA, Plaintiff's ADEA claims against the individual Defendants are DISMISSED. See Warshun v. New York Cnty. Bancorp, Inc., 957 F. Supp. 2d 259, 267 (E.D.N.Y. 2013) (citing Cherry v. Toussaint, 40 F. App'x 476 (2d Cir. 2002) (summary order) (affirming dismissal of age discrimination claim because "the ADEA precludes individual liability") (citing Parker v. Metro. Transp. Auth., 97 F. Supp. 2d 437, 452 (S.D.N.Y. 2000) (additional citations omitted)).

CONCLUSION

For the reasons set forth above, the application to proceed in forma pauperis is GRANTED, and the Court ORDERS service of the Summons and Complaint by the USMS upon North Shore Animal League. Plaintiff's ADEA claims against the individual Defendants, Anthony Angielotti, Matthew Carroll, Jane Doe a/k/a "Kiki" and Diana Russo, are DISMISSED. The Clerk of the Court shall forward the Summons, the Complaint, and this Order to the USMS and the USMS shall serve the remaining Defendant.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is further directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: June 5, 2014
Central Islip, New York